Case 1:01-cv-12257-PBS Document 667 Filed 12/19/03 Page 1 of 4

UNITED STATES OF AMERICA

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN: Judge Wm. Terrell Hodges United States District Court Middle District of Florida

MEMBERS: Judge John F. Keenan United States District Court Southern District of New York

Judge Bruce M. Selya United States Court of Appeals First Circuit

Judge Julia Smith Gibbons United States Court of Appeals Sixth Circuit

FILED IN CLERKS OFFICE

DIRECT REPLY TO:

Judge D. Lowell Jensen United States District Court Northern District of Colifornia 9

Northern District of Indiana

A 10:Judge J. Frederick Motz. United States District Court District of Maryland

Judge Robert L. Hitter Dr. CT OF MASS. Washington, D.C. 20002 United States District Court

Michael J. Beck Stick of the Panel One Columbus Circle, NE Thurgood Marshall Federal DISTRICT COUR Room G-255, North Lobby

Telephone: [202] 502-2800 Fax: [202] 502-2888

http://www.jpml.uscourts.gov

December 16, 2003

Tony Anastas, Clerk 2300 John Joseph Moakley U.S. Courthouse One Courthouse Way Boston, MA 02210-3002

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

State of Texas ex rel. Ven-A-Care of Florida Keys, Inc. v. Roxane Laboratories, Inc., et al., W.D. Texas, C.A. No. 4:03-663

Dear Mr. Anastas:

I am enclosing one certified and additional copies of a conditional transfer order filed by the Panel in the above-captioned action on November 28, 2003. Section 1407 requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck

Clerk of the Panel

Deputy Clerk

Attachment

Transferee Judge: cc:

Judge Patti B. Saris

Transferor Judge:

Judge Sam Sparks

Transferor Clerk:

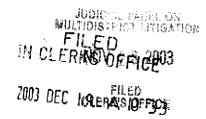
William G. Putnicki, Clerk

JPML Form 36

# INVOLVED COUNSEL LIST (CTO-16) DOCKET NO. 1456 IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

Stephen E. McConnico Scott, Douglass & McConnico One American Center, 15th Floor 600 Congress Avenue Austin, TX 78701

Patrick J. O'Connell Office of Attorney General P.O. Box 12548 Austin, TX 78711-2548



#### DOCKET NO. 1456

DOCKET NO. 1430

U.S. DISTRICT COURT
DISTRICT OF MASS
BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

# IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE

State of Texas ex rel. Ven-A-Care of Florida Keys, Inc. v. Roxane Laboratories, Inc., et al., W.D. Texas, C.A. No. 1:03-663

## CONDITIONAL TRANSFER ORDER (CTO-16)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 29 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the action on this conditional transfer order involves questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Inasmuch as no objection is pending at this time, the stay is lifted.

CLERK'S OFFICE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

LITIGATION

Michael J. Beck
Clerk of the Panel

### Case 1:01-cv-12257-PBS Document 667 Filed 12/19/03 Page 4 of 4

A CERTIFIED TRUE COPY

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DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRIC TRUTTE MEANN

# IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

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JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

Michael J. Beck

Clerk of the Panel